

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WARREN EASLEY,)	
Plaintiff,)	
)	C.A. No. 21-63 Erie
)	
v.)	
)	District Judge Susan Paradise Baxter
JOHN WETZEL, et al,)	Magistrate Judge Richard A. Lanzillo
Defendants.)	

MEMORANDUM ORDER

This action was commenced by Plaintiff’s filing of a *pro se* civil rights complaint accompanied by a motion for leave to proceed *in forma pauperis* (“ifp motion”) [ECF No. 1], on January 26, 2021. Plaintiff also filed a motion for preliminary injunction or temporary restraining order [ECF No. 1-2, subsequently re-docketed with the complaint at ECF No. 6], seeking an order requiring prison officials to take stronger measures to stop the spread of COVID-19 and to provide more medical treatment to inmates who contract the virus.

This matter was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. This case was subsequently reassigned to the undersigned, as presiding judge, with Judge Lanzillo remaining as the referred judge for all pretrial proceedings.

On February 18, 2021, a telephone hearing was held on Plaintiff’s injunction motion before Judge Lanzillo, during which testimony was offered by Plaintiff and by Defendant Kim Smith, SCI-Forest’s Corrections Healthcare Administrator. Thereafter, on February 26, 2021,

Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that Plaintiff’s injunction motion be denied [ECF No. 13]. In particular, Judge Lanzillo found that Plaintiff’s claim of immediate irreparable harm is “speculative, at best” and that Plaintiff has also failed to establish a likelihood of success on the merits. Plaintiff has filed timely objections to the R&R [ECF No. 20], essentially disagreeing with the testimony that was offered by Defendant Smith and the manner in which Judge Lanzillo conducted the telephone hearing, but otherwise failing to provide any legal basis upon which to reject Judge Lanzillo’s recommendation.

Thus, after *de novo* review of Plaintiff’s motion, the transcript of the motion hearing held before Judge Lanzillo, and Plaintiff’s objections, together with the report and recommendation, the following order is entered:

AND NOW, this 30th day of March, 2021;

IT IS HEREBY ORDERED that Plaintiff’s motion for preliminary injunction or temporary restraining order [part of ECF No. 6] is DENIED. The report and recommendation of Magistrate Judge Lanzillo, issued February 26, 2021 [ECF No. 13], is adopted as the opinion of the court.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge